

1 **BILL NO. 2007-9**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO MAKE VARIOUS CORRECTIONS, CLARIFICATIONS AND
4 ADJUSTMENTS TO THE LAND USE TABLES, TO CLARIFY CERTAIN USE AND
DEVELOPMENT STANDARDS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: M. Margo Wheeler, Director of
6 Planning and Development

Summary: Makes various corrections,
clarifications and adjustments to the Land Use
Tables, and clarifies certain use and
development standards.

7
8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
11 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
12 amending the description of the use "Single Family, Detached," as found in the "Residential &
13 Lodging" element of Table 2, to read as follows:

14 **Description:**

15 A dwelling unit that is not attached to any other dwelling by any means, is located on a separate and
16 individually owned lot, is surrounded by open space or yards, and is for the exclusive use of a single
17 family maintaining a household. Except where specifically provided [for the purposes of occupancy
18 by domestic help, no single family dwelling] in this Title, no such unit may have more than 1 kitchen,
19 and [except as specifically provided for a habitable accessory structure,] all rooms used for human
20 habitation must have interior access to one another.

21 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
22 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
23 deleting in their entirety the entries for the uses "Habitable Accessory Structure" and "Non-Habitable
24 Accessory Structure."

25 SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
26 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
27 adding to the "Residential & Lodging" element thereof, at the appropriate locations, two new uses,
28 "Accessory Structure (Class I)" and "Accessory Structure (Class II)," reading respectively as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL			
Accessory Structure (Class I)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
	S	S	S	S	S																	
	Description: An accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.																					
	Minimum Special Use Permit Requirements: *1. The size of the lot or parcel must exceed 6500 square feet. 2. Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit.																					
On-site Parking Requirement: One additional parking space must be provided beyond the number of spaces normally required.																						

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL			
Accessory Structure (Class II)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M	
	C	C	C	C	C	C	C	C	C	C	C	C										
	Description:																					
	An accessory structure which is located on the same lot as a principal structure, is detached therefrom, is incidental or subordinate thereto, and does not qualify as an “Accessory Structure (Class I).”																					
	Conditional Use Regulations:																					
1. The use shall comply with all provisions of Section 19.08.040 applicable to accessory structures.																						
2. Any use that does not so comply may be permitted only by means of a Variance.																						
On-site Parking Requirement: No additional parking required beyond that which is required for the principal use on the site																						

SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to change the classification of the use "Travel Bureau" from a type of "General Personal Service" to a type of "Office Use, Other Than Listed." In order to reflect that change, the description of the use "General Personal Service," as found in the "Retail & Personal Services" element of Table 2, is amended to read as follows:

Description:

A facility for the sale of personal services. Typical personal services include barber/beauty shop, tanning salon, nail salon, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, [travel bureau,] house cleaning service, weight reduction center, day spa, florist (excluding greenhouses), and permanent makeup establishment.

SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section

10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the Conditional Use Regulations for the use "Open Air Vending/Transient Sales Lot," as found in the "Retail & Personal Services" element of Table 2, to read as follows:

Conditional Use Regulations:

1. No signage, including temporary signage, is allowed[.], except that, in the case of sales activity from a vehicle or cart, the vehicle or cart may include signage which is affixed thereto.
2. The site must be kept free of any litter or debris at all times.
3. No structures shall be allowed within the public right-of-way.

SECTION 6: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the Minimum Special Use Permit Requirements for the use "Beer/Wine/Cooler On-Sale Establishment," as found in the "Retail & Personal Services" element of Table 2, to read as follows:

Minimum Special Use Permit Requirements:

- [*]1. Except as otherwise provided, no beer/wine/cooler [off-sale] on-sale establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
- [*]2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

- 1 [*]3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size,
2 the minimum distances referred to in Requirement 1 shall be measured in a straight line:
- 3 a. From the nearest property line of the existing use to the nearest portion of the structure
4 in which the establishment will be located, without regard to intervening obstacles; or
- 5 b. In the case of a proposed establishment which will be located within a shopping center
6 or other multiple-tenant structure, from the nearest property line of the existing use to
7 the nearest property line of a leasehold or occupancy parcel in which the establishment
8 will be located, without regard to intervening obstacles.
- 9 4. When considering a Special Use Permit application for an establishment which also requires
10 a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into
11 consideration the distance policy and shall, as part of its recommendation to the City Council,
12 state whether the distance requirement should be waived and the reasons in support of the
13 decision.
- 14 5. The minimum distance requirements in Requirement 1 do not apply to:
- 15 a. An establishment which has a nonrestricted gaming license in connection with a hotel
16 having 200 or more guest rooms on or before July 1, 1992 or in connection with a
17 resort hotel having in excess of 200 guest rooms after July 1, 1992; or
- 18 b. A proposed establishment having more than 50,000 square feet of retail floor space.
- 19 *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC
20 Chapter 6.50.

21 SECTION 7: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
22 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
23 amending the On-site Parking Requirement for the use "Package Liquor Off-Sale Establishment," as
24 found in the "Retail & Personal Services" element of Table 2, to read as follows:

25 **On-site Parking Requirement:** [No additional parking required beyond that which is required for
26 the principal use on the site.]

- 27 1. If less than 25,000 square feet, one space per 175 square feet of gross floor area.
- 28 2. If 25,000 square feet or more, one space per 250 square feet of gross floor area.

SECTION 8: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to adjust the Conditional Use Regulations for the use “Motor Vehicle Sales (Used)” and to add Minimum Special Use Permit Requirements for that use. In order to reflect the amendments, the entry for the use “Motor Vehicle Sales (Used),” as found in the “Auto & Marine-Related” element of Table 2, is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Motor Vehicle Sales (Used)	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																		S		C	C
Description: A facility or area used primarily for the display and sale or leasing of used automobiles, motorcycles and motor scooters. This use includes service bays and auto body shops which are incidental and accessory to the sales use.																					
Conditional Use Regulations: [1. The minimum site area designated for this use shall be 25,000 square feet.] [2.] <u>1.</u> The installation and use of an outside public address or bell system is prohibited. [3.] <u>2.</u> No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building. [4.] <u>3.</u> All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land. [5.] <u>4.</u> Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. [6.] <u>5.</u> Accessory automobile rental is permitted.																					
Special Use Permit Requirements: <u>1. The minimum site area designated for this use shall be 25,000 square feet.</u> <u>2. The installation and use of an outside public address or bell system is prohibited.</u> <u>3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.</u> <u>4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.</u> <u>5. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.</u> <u>6. Accessory automobile rental is permitted.</u>																					
On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area designated for this use. Vehicles that are on display or for sale may not be parked or stored in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of this Table 2. The parking and storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.																					

SECTION 9: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to indicate that the use “Outdoor Storage, Accessory” is allowable as a conditional use in the C-1 Zoning District and to modify the Conditional Use Regulations applicable to the use. In order to reflect the

changes, the entry for the use “Outdoor Storage, Accessory,” as found in the “Wholesale, Distribution & Storage” element of Table 2, is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL				INDUSTRIAL				
Outdoor Storage, Accessory	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	C	C	C	C	C
	<p>Description:</p> <p>The use of a significant portion of a lot or area for the long term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. This use does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.</p> <p>Conditional Use Regulations:</p> <p>[1. Outside storage areas that are not screened by an intervening building shall be screened from view from any public street by a screening device at least 8 feet in height. In addition, outside storage areas shall be screened from view of any adjoining property by a screening device at least 8 feet in height, except along adjacent property lines of property zoned C-M or M.</p> <p>2. Storage shall not be permitted within required setbacks or buffer yards.</p> <p>3. Except as otherwise provided in this Title, in the C-2 and C-M Zoning Districts, storage shall be limited to no more than 5 percent of the lot area containing the principal use.]</p> <p><u>1. Storage shall not be permitted within required setbacks or buffer yards.</u></p> <p><u>2. Except as otherwise provided in this Title or as specifically allowed in connection with the approval of a Special Use Permit:</u></p> <p><u>a. Outside storage areas that are not screened by an intervening building shall be screened from view from any public street by a screening device at least 8 feet in height.</u></p> <p><u>b. Outside storage areas shall be screened from view of any adjoining property by a screening device at least 8 feet in height, except along adjacent property lines of property zoned C-M or M.</u></p> <p><u>3. Except as otherwise provided in this Title, in the C-2 and C-M Zoning Districts, storage shall be limited to no more than 5 percent of the lot area containing the principal use.</u></p> <p><u>4. In the C-2 Zoning District, incidental items that are normally associated with operations allowed as a matter of right are not required to be screened from view.</u></p> <p><u>5. In the C-1 Zoning District, the only items allowable as accessory outdoor storage are live nursery products, which must be screened from view of adjacent properties and rights-of-way by means of screening that is architecturally consistent with the principal building in terms of materials, colors and details.</u></p> <p>On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.</p>																				

SECTION 10: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use “Sound Stage” by means of special use permit in the C-PB Zoning District. In order to reflect that amendment, the entry for the use “Sound Stage,” as found in the “Utilities, Communication & Transportation” element of Table 2, is amended to read as follows:

...

...

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Sound Stage	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																	S	S	S	S	S
Description: A building or portion of a building used for the production of movies.																					
On-site Parking Requirement: One space per 300 square feet of gross floor area.																					

SECTION 11: Title 19, Chapter 4, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.04.070: (A) P-R District. All uses in the P-R District shall conform to the following:

- (1) No products shall be stored, displayed or sold on the premises.
- (2) No trucks, vans or other commercial vehicles shall be stored or parked on the property overnight.
- (3) No service shall be performed upon a client except those related to the service of the medical profession including dentists, opticians, optometrists, chiropractors, etc.
- (4) Services shall not include the production or repair of any goods except as an incidental use to a permitted service.
- (5) Instructional services must be limited to a two to one pupil/instructor ratio provided, however, in connection with instructional services to be provided at a physician's office, the Director [of the Department of Planning and Development] may approve a higher pupil/instructor ratio upon a showing that sufficient off-street parking is available for the number of pupils anticipated. Equipment used for instructional purposes must be stored within the building.
- (6) There shall be no mixed residential and commercial use of any property and in the event there is an existing residential use on a property, no commercial use of the property shall be permitted until the residential use has permanently ceased.
- (7) No use or business activity shall remain open to the public for business between the hours of nine p.m. though seven a.m. All exterior lighting, except for security lighting, shall be turned off.

(B) N-S and O Districts. In the N-S and O Districts, all storage or display of merchandise and equipment shall be within a completely enclosed building. No trailers or other

1 portable structures may be used for storage purposes.

2 [(B)] (C) C-D District. All uses in the C-D District shall conform to the following:

3 (1) Retail shops shall sell new merchandise exclusively except for antique
4 shops. All products produced, whether primary or incidental, shall be sold at retail on the premises,
5 and not more than two persons shall be engaged in the production of such products.

6 (2) There shall be no mixed residential and commercial use of any property
7 and in the event there is an existing residential use on a property, no commercial use of the property
8 shall be permitted until the residential use has permanently ceased.

9 (3) No use or business activity shall remain open to the public for business
10 between the hours of nine p.m. and seven a.m.

11 (4) All uses and activity shall be contained within a completely enclosed
12 building and there shall be no outside storage, service or sales. No trailers or other portable structures
13 may be used for storage purposes.

14 (D) All Non-Residential Districts. No outdoor storage, sales, rent or display of
15 products or equipment is permitted except in accordance with the provisions of this Title, or a specific
16 Special Use Permit approval granted thereunder.

17 SECTION 12: Title 19, Chapter 8, Section 40, Subsection (B), Paragraph (1),
18 Subparagraph (g), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
19 amended to read as follows:

20 (g) Floor Plan. Accessory structures may contain any type of room use, but may not contain any
21 kitchen except as otherwise specifically provided in [Section 19.04.050(B)] this Title with respect to
22 a [habitable] Class I accessory structure.

23 SECTION 13: Title 19, Chapter 8, Section 40, Subsection (B), Paragraph (4),
24 Subparagraph (a), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
25 amended to read as follows, with the preceding and subsequent provisions of Paragraph (4), including
26 Figure 4, remaining the same:

27 (a) Patio Covers. As illustrated in Figure 4 below, a patio cover may encroach to within five feet
28 from the rear and side property lines in the R-D, R-1, R-CL, R-2, R-3, R-4, R-5, R-MH, and R-MHP

zoning districts and may encroach to within fifteen feet from the rear and side property lines in the U, R-A and R-E zoning districts. In other residential districts, patio cover setbacks shall be compatible with the required setbacks for principal structures. In no event shall a patio cover be permitted to encroach into a required corner side yard setback.

SECTION 14: Title 19, Chapter 8, Section 50, Subsection (H), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the titles of Figures 26 and 27 to read, respectively, as follows:

Figure 26 [Discouraged] Impermissible Enclosure Design

Figure 27 [Encouraged] Permissible Enclosure Design

SECTION 15: Title 19, Chapter 12, Section 75, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19.12.075: Wall Standards

(A) Front Yard Screen Wall Prohibition. No [screening] screen wall shall be built in the front yard of a residential property.

(B) Perimeter and Screen Walls.

(1) General. For commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes, shall be a minimum of six feet in height, and in no case shall exceed the height limitation applicable to the adjacent zoning district or property. In all other cases, there is no requirement to construct a wall or fence. However, all perimeter or screen walls and fences must comply with applicable building code requirements. Walls and fences adjacent to commercial or industrial zoning districts or property used for commercial or industrial uses shall be limited to a maximum of eight feet in height. The height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.

(2) Height. The minimum height of a [screening] perimeter wall shall be six feet and the maximum height shall be eight feet. The maximum height of a screen wall shall be eight feet.

(C) Additional Height Limitations (No Slope or Minimum Slope). Except as otherwise provided in Subsection (E), if the natural slope of a parcel that will contain a [screening] screen or perimeter

1 wall is two percent or less, and a retaining wall will be required:

2 (1) The maximum height of the retaining wall shall be four feet;

3 (2) The minimum height of [the screening] a perimeter wall shall be six feet, with the
4 maximum height for a screen or perimeter wall of eight feet; and

5 (3) The total vertical plane of both walls shall not exceed ten feet, measured from the
6 finished grade on the lower side of the wall to the top of the wall, with a maximum height of eight feet
7 measured from the finished grade on the higher side of the wall to the top of the wall. (See Figure 6)

8 (D) Additional Height Limitations (Greater Slope). Except as otherwise provided in Subsection
9 (E), if the natural slope of a parcel that will contain a [screening] screen or perimeter wall is greater
10 than two percent and a retaining wall will be required:

11 (1) The maximum height of the retaining wall shall be six feet;

12 (2) The minimum height of [the screening] a perimeter wall shall be six feet, with the
13 maximum height for a screen or perimeter wall of eight feet; and

14 (3) The total vertical plane of both walls shall not exceed twelve feet, measured from the
15 finished grade on the lower side of the wall to the top of the wall, with a maximum height of eight feet
16 measured from the finished grade on the higher side of the wall to the top of the wall. (See Figure 7)

17 (E) Increased Retaining Wall Heights. In cases where it is necessary to use retaining walls that
18 exceed the height limitations contained in Subsections (C) and (D), the following standards shall apply
19 in order to reduce the visual impact of [screening] screen walls, perimeter walls and retaining walls,
20 as illustrated in Figure 8:

21 (1) For each four feet of vertical height of retaining wall, a minimum five-foot setback,
22 or horizontal offset, shall be provided, as measured from the front of the wall plane to the front of the
23 next wall plane, with landscaping to be provided within the offset area.

24 (2) The height of the wall plane of the wall located at the highest grade shall be a minimum
25 of six feet and a maximum of eight feet.

26 (F) Front Yard Walls/Fences. Front yard walls/fences shall be a maximum of five feet with the
27 top three vertical feet open to permit visibility. (See Figure 9) Hedges planted along the front yard
28 property line shall not exceed three vertical feet. Retaining walls along the front property line may

not exceed two feet in height. Where the grade of the front yard slopes at a ratio greater than 2:1, multiple retaining walls may be constructed, provided there is a minimum distance of five feet between retaining walls for landscaping. (See Figure 10)

(G) Fences, Walls and Architectural Character

(1) Perimeter Walls. Perimeter walls, end walls, return walls and common area walls shall be decorative and shall be installed by the developer. Acceptable decorative wall materials[,] include, without limitation, stone, decorative block, slump, stone, and wrought iron, and shall have a minimum of twenty percent contrasting material. The contrasting material requirement may be fulfilled by contrasting color, or a combination of contrasting material and contrasting color, if approved by the Department in its discretion. All walls shall include such detail variations as may be required by the Department, including pilaster, decorative caps, decorative iron cutouts or fluted blocks. Any decorative materials or ironwork attached to the top of a perimeter wall shall not encroach into public rights-of-way or abutting properties. Pilasters, if used, shall have a maximum spacing of twenty-four feet on center (See Figures 9 and 11). [No voids or spaces shall be permitted between an existing perimeter wall and a new perimeter wall.] All perimeter walls shall:

a. Match the design of abutting perimeter walls. The established wall design shall be continued until the next street intersection. In cases where the existing wall is considered by the Director to be of unacceptable design, the design shall not be carried beyond the next street intersection unless a transitional wall area designed to soften the differences between the walls is constructed; and

b. [Be sealed by an approved method to prevent leaching or transmission of mineral deposits through the wall; and

c.] Be maintained by the property owner, the developer, a business association or other similar organization, or by such other means as may be approved by the City.

(2) Retaining Walls. Retaining walls which are visible from adjacent properties or rights-of-way shall be decorative and shall be installed by the developer. Acceptable materials for retaining wall construction include split-face block, decorative block, slump stone, stone, caliche rock, colored or exposed aggregate, and textured-finish concrete. All walls shall include detail variations such as

1 pilasters, decorative caps, or fluted blocks. [All walls shall be sealed by an approved method to
2 prevent the leaching or transmission of mineral deposits through the wall.] All walls shall be
3 maintained by the property owner, the developer, a business association or other similar organization,
4 or by such other means as may be approved by the City. In cases where the height of a retaining wall
5 exceeds four feet, a minimum of five shrubs of a five-gallon size, and five shrubs of a one-gallon size,
6 for each twenty feet of linear planting area shall be planted in the area at the base of the wall. In cases
7 where there are multiple-stepped retaining walls, a minimum of five shrubs of a five-gallon size, and
8 five shrubs of a one-gallon size, for each twenty feet of linear planting area shall be planted in the area
9 between the walls and at the base of the lowest wall. A minimum planting area of four feet is required
10 between the retaining walls.

11 (3) Wall Separation. Where a screen or perimeter walls abuts another screen or perimeter
12 wall, the separation shall either be:

13 a. A minimum of three feet from face of wall to face of wall, with access provided
14 to the area between the walls for maintenance; or

15 b. A maximum of eight inches, with the resulting gap between the walls to be
16 filled and capped with a cementitious material that:

17 1. Will not increase the load on the walls; and

18 2. Has been approved by the Planning and Development Department and
19 the Department of Building and Safety.

20 (H) Materials. Unless otherwise approved as part of an overall development plan, the following
21 materials shall not be acceptable for use as [screening] screen or perimeter walls:

22 (1) Chainlink or open wire fencing (except as temporary construction fencing);

23 (2) Razor wire or barbed wire (except as may be approved under the procedures set forth
24 in the City's Building Code);

25 (3) Corrugated metal;

26 (4) Bright colored plastic; and

27 (5) Untextured or unfinished concrete or block (CMU) walls.

28 (I) Variance. The standards set forth in this Section are minimum requirements for all

1 developments subject to this Section. Any request to deviate from these standards shall require the
2 submittal of a Variance application, which shall be subject to the procedures and standards set forth
3 in Section 19.18.070.

4 SECTION 16: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the following terms and their
6 corresponding definitions:

7 “Dwelling, Single-Family Detached” means a dwelling unit:

- 8 (1) That is not attached to any other dwelling by any means;
- 9 (2) That is located on a separate and individually owned lot;
- 10 (3) That is surrounded by open space or yards;
- 11 (4) That is for the exclusive use of a single family maintaining a household;
- 12 (5) That has no more than one kitchen[;] with full kitchen facilities; and
- 13 (6) In which all rooms used for human habitation must have interior access to one another.

14 ➡ Nothing in this definition, however, prohibits the construction or use of a [habitable] Class I
15 accessory structure in accordance with this Title or the construction or use of an auxiliary kitchen as
16 defined in this Chapter.

17 “General Personal Service” means a facility for the sale of personal services. Typical personal
18 services include barber/beauty shop, shoe repair, tailor, instructional arts studio, photography studio,
19 hand-crafted art studio, safe deposit boxes, [travel bureau,] house cleaning service, weight reduction
20 center and florist (excluding greenhouses) and permanent makeup establishment.

21 “Kitchen” means [any room in a dwelling which is used, designed, or intended to be used for the
22 cooking and preparation of food, including “kitchenette.”] that portion of a dwelling unit devoted to
23 the cooking or preparation of food for the purpose of consumption by residents of the dwelling unit.

24 The term includes a “kitchenette,” “wet bar” or any area equipped with items such as a counter-top
25 hot plate, counter-top grill, or microwave oven, together with an under-counter refrigerator and sink.

26 “Full kitchen facilities” indicates the presence of complete cooking facilities (i.e., stove, oven or
27 microwave oven, refrigerator, and sink). The presence within any food preparation area of a
28 ventilation hood, gas stub, two hundred-twenty volt electrical outlet or wiring, or any combination

1 thereof, shall be considered “full kitchen facilities.”

2 “Wall, Perimeter” means an opaque structure constructed in accordance with Section 19.12.075 with
3 the purpose of providing security or a visual buffer within, along or in proximity to the property line
4 of a subdivision or parcel and separating the subdivision or parcel from, right-of-way, another land
5 use or another property.

6 [“Wall, Screening”] “Wall, Screen” means an opaque structure constructed in accordance with Section
7 19.12.075 with the purpose of providing a buffer for privacy or to mitigate a potentially negative noise
8 or visual impact.

9 “Yard, Side” means the yard area extending [along the entire length of the side property line and the
10 depth] from the front yard to the rear yard and between the side property line and the primary structure.

11 SECTION 17: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting therefrom the terms “Habitable
13 Accessory Structure” and “Non-Habitable Accessory Structure,” together with their corresponding
14 definitions.

15 SECTION 18: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto at the appropriate locations,
17 four new definitions, reading as follows:

18 “Accessory Structure (Class I)” means an accessory structure which is located on the same residential
19 parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full
20 kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or
21 temporary guests.

22 “Accessory Structure (Class II)” means an accessory structure which is located on the same lot as a
23 principal structure, is detached therefrom, is incidental or subordinate thereto, and does not qualify
24 as an “Accessory Structure (Class I).”

25 “Yard” means the areas on a lot that are unoccupied by structures, except for projections and the
26 specific accessory uses or structures allowed in those areas under the provisions of this Title.

27 “Yard, Corner Side” means the yard of a corner lot extending from the front yard to the rear yard and
28 between the street and the primary structure.

1 SECTION 19: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
2 19.08.040, 19.08.050 and 19.20.020 are deemed to be subchapters rather than sections.

3 SECTION 20: The codifier is authorized and directed to change any reference in
4 Chapter 9.04 to the terms "habitable accessory structure" and "non-habitable accessory structure" so
5 that they read, respectively, "Class I accessory structure" and "Class II accessory structure."

6 SECTION 21: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
8 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 22: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

18 APPROVED:

19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 BEVERLY BRIDGES, Acting City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 2-8-07
25 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16
17 BEVERLY BRIDGES, Acting City Clerk
18
19
20
21
22
23
24
25
26
27
28